

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LINDA CASTELLI,

Plaintiff,

-against-

COMMERCIAL RECOVERY SYSTEMS, INC.,

Defendant.

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ MAY 12 2011 ★

BROOKLYN OFFICE

**SUMMONS ISSUED**

**CV 11 - 2354**

**VERIFIED COMPLAINT and DEMAND  
FOR JURY TRIAL**

**GLEESON, J.**

**GO. M.J.**

Plaintiff, Linda Castelli ("Plaintiff"), through her attorneys, Krohn & Moss, Ltd., alleges the following against Defendant, Commercial Recovery Systems, Inc. ("Defendant"):

Nature of the Action

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*

Parties

2. Plaintiff is a natural person residing in Staten Island, Richmond County, New York.

3. Plaintiff is a consumer as that term is defined by 15 United States Code § 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 United States Code § 1692a(5).

4. Defendant is a debt collector as that term is defined by 15 United States Code § 1692a(6), and sought to collect a consumer debt from Plaintiff.

5. Defendant is a collection company with a business office in Dallas, Texas.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 United States Code § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Defendant conducts business in the state of New York, and therefore, personal jurisdiction is established.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant is attempting to collect a debt from Plaintiff on behalf of the original creditor, Vericrest Financial (Account Number: 2849480)

11. Plaintiff’s alleged debt owed to Vericrest Financial arises from transactions for personal, family, and household purposes.

12. On May 20, 2010, Plaintiff faxed a cease and desist, and a notice of representation letter to Defendant. *See* Exhibit A hereto.

13. Despite receiving Plaintiff’s counsel’s letter, Defendant communicated with Plaintiff after May 20, 2010, in an attempt to collect a debt. *See* Exhibit B hereto.

Claim for Relief

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(2) of the FDCPA by communicating with Plaintiff even though Defendant knew Plaintiff was represented by an attorney.

- b. Defendant violated §1692c(c) of the FDCPA by communicating with Plaintiff after Defendant received Plaintiff's cease and desist letter.

WHEREFORE, Plaintiff, Linda Castelli, respectfully requests judgment be entered against Defendant, Commercial Recovery Systems, Inc., for the following:

15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k

17. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, Linda Castelli, hereby demands trial by jury in this action.

Dated: May 3, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: \_\_\_\_\_



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KROHN & MOSS, LTD.  
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Chicago, Illinois 60602  
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Fax: 866-620-2956  
ahill@consumerlawcenter.com  
Attorney for Plaintiff,  
Linda Castelli

VERIFICATION

STATE OF NEW YORK )

:ss:

COUNTY OF RICHMOND )

Plaintiff, Linda Castelli, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Linda Castelli, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 5/4/11

Linda Castelli

## **Exhibit A**

TRANSMISSION VERIFICATION REPORT

TIME : 05/20/2010 15:08  
NAME : DEBT RELIEF CENTER  
FAX : 3126765841  
TEL : 3129460233  
SER. # : BROCAJ138558

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

05/20 15:07  
912143201695  
00:01:00  
03  
OK  
STANDARD  
ECM

**Lawyers United for Debt Relief**

JEROME S. LAMET, ATTORNEY  
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PHONE (312) 946-0233 [www.ludr.org](http://www.ludr.org) FAX (312) 676-5841

**Fax**

To: COMMERCIAL RECOVERY SYSTEMS From: RICARDO  
Fax: 214-320-1695 - 214-319-9673 Date: May 20, 2010  
Phone: 1800-214-7838 / 1800-214-7801 Pages: 3 (INCLUDING COVER PAGE)  
Re: LINDA CASTELLI (LUDR #177772) cc:

Attn: GREG FINCHER  
Ref # 8402713922 / 2849480 (610)  
SS# [REDACTED]

Mrs. LINDA CASTELLI (SS # [REDACTED]) has attorney representation.

**Please do not contact**  
**Mrs. LINDA CASTELLI.**

## **Exhibit B**

